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June 26, 2019

The Honorable Lisa Murkowski  
Chairman  
Committee on Energy & Natural Resources  
United States Senate  
304 Dirksen Senate Office Building  
Washington DC, 20510

The Honorable Joe Manchin  
Ranking Member  
Committee on Energy & Natural Resources  
United States Senate  
304 Dirksen Senate Office Building  
Washington DC, 20510

**Subject: Nye County Comments of Senate Bill 1234**

Dear Chairman Murkowski and Ranking Member Manchin:

Thank you for the opportunity to write you regarding S.1234, legislation your committee is considering to amend the Nuclear Waste Policy Act (NWPA). I am Leo Blundo, a member of the Nye County Commission and the designated liaison commissioner for nuclear waste issues. I was elected last year to my commission seat. The Nye County Commission remains in support of the proposition that the Yucca Mountain licensing proceeding should be completed so that the science behind the proposed repository can be fully explored and evaluated by qualified scientists and technical experts. Waste keeps accumulating and the cost and risks keep climbing, it is past time for Congress to act and solve this problem.

We appreciate the opportunity to comment on S. 1234, the Nuclear Waste Administration Act of 2019. The purpose of amending the NWPA to move forward with a solution to the impasse on nuclear waste issues is commendable. However, we need to learn from history and realize that in practice a consensual process is not easy to achieve. Interim storage has been tried before under different names and one thing is very clear, to get any consent and commitments from state and local governments on interim storage will require a compulsory process to build a permanent repository. Interim storage does not solve the real problems, it just leaves the problem for our kids and grandkids to solve.

We support the stated purposes and a new organization with long term management and funding is a clear improvement and the draft bill sponsored by Senator Barrasso addresses some of our concerns. But we think several amendments will be needed for this bill to solve the waste problem:

**1. We need to base decisions on Nuclear Waste on the Facts.**

Nuclear waste storage and disposal is the ultimate NIMBY issue. The anti-nuclear and NIMBY activists will use misinformation, exaggeration, half-truths and outright lies to

scare the people who are uninformed on the real risks and facts about nuclear waste and radiation.

Sadly, some of our elected officials parrot this misinformation to support their political positions.

We need Congress to trust the science and put processes in place to allow decisions to be made on facts and science by unbiased experts.

**2. Calling for universal consent is an excuse to do nothing.**

To believe that any controversial project in the 21st century will get consent from every level of government – state, counties, cities, tribes – is unrealistic. To believe that the consent will stand over the years of reviews and licensing is even more unrealistic. What if a State consents but one of its Senators opposes the project? What if one Member of Congress from that State objects? A very relevant example can be found in the State of Nevada itself. In the 1970s, the Federal government was seeking interim storage sites because the repository program at that time had just failed. In 1975, in response to the Environmental Statement for the Retrievable Surface Storage Facility, the Nevada legislature passed Joint Resolution 15, which strongly supported the project and made a strong bid to have the facility built at the Nevada Test Site. Letters supporting the Retrievable Surface Storage Facility were also submitted by the City of Las Vegas, Clark County, Nye County, and Lincoln County.

Historically, New Mexico has been receptive to nuclear waste facilities, as evidenced by the success of the Waste Isolation Pilot Plant. Very recently the new Governor of New Mexico sent a letter to the U.S. Department of Energy and the NRC opposing an interim site, throwing years of work into jeopardy. Clearly, "consensus" can change with time.

To pass legislation requiring universal consent for a nuclear waste repository before proceeding simply means nothing will happen. Consensus is nice, but nuclear waste is a national security issue and the nation needs a path forward on nuclear waste even if consent cannot be reached.

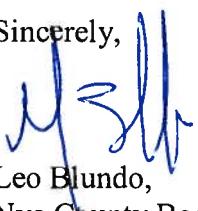
**3. Authorizing Interim Storage without a permanent repository is not a solution.**

Given the unlikelihood of getting consent for a permanent repository, if an interim site is authorized, it will become a de facto final resting place for nuclear waste. As a result, States and local governments will likely be unwilling to accept interim storage. This also means that any waste stored at an interim site will not be stored with the safety features and assurances that a deep geological repository would guarantee. One real question to be answered is, if we have a permanent repository process moving forward do we really need an interim storage facility? Yucca Mountain and any other repository will have storage and staging areas as part of the design. These storage and staging areas are interim storage by another name and we may not need the extra transportation, handling and cost of a separate interim storage facility.

**4. The Nuclear Waste Policy Act is the law.**

Congress has never repealed the NWPA. The act was a careful balancing act protecting the State of Nevada and the local counties while moving ahead on a national security mission. The provisions of the Act were violated by the last administration when it ended the license proceeding without proper cause. A federal court of appeals subsequently declared the action improper. The draft bill proposed by Senator John Barrasso, the Nuclear Waste Policy Amendments Act of 2019, and its House companion bill (H.R. 2699) would make important changes to see that the full intent of the NWPA is maintained. We support that legislation. We call on Congress to fund the license proceeding and not be diverted by proposals like universal consent and interim storage without the backdrop of a permanent repository.

Sincerely,



Leo Blundo,  
Nye County Board of Commissioners  
Nuclear Waste Issues Representative

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